



## City of Santa Clara

### PLANNING COMMISSION MEETING MINUTES

Wednesday, March 13, 2013 – 7:00 P.M.

\*\*\*Study Session – 6:00 P.M.\*\*\*

CITY COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.  
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

#### **STUDY SESSION 6:00 P.M.**

Transportation Demand Management (TDM) Presentation By Julia Hughes, Transportation Demand Specialist, Inc.

#### **ITEMS FOR COUNCIL ACTION**

The following items from this Planning Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- **Item 8.A. File No.(s): PLN2010-8245, Address: 1091 Fremont Street (Rezoning)**
- **Item 8.B. File No.(s): PLN2012-09203/CEQ2012-01148, Address: 2805 and 2807 Mission College Boulevard (Rezoning)**

#### **1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES**

Vice-Chair Champeny initiated the Pledge of Allegiance, and the Statement of Values was read.

#### **2. ROLL CALL**

The following Commissioners responded to roll call: Vice-Chair Ian Champeny, Raj Chahal, Yuki Ikezi, Steve Kelly, Keith Stattenfield, and Joe Sweeney. Commissioner Deborah Costa was excused.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, and Office Specialist IV Megan Zimmershead.

#### **3. DISTRIBUTION OF AGENDA AND STAFF REPORTS**

Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

#### 4. DECLARATION OF COMMISSION PROCEDURES

Vice-Chair Champeny reviewed the Planning Commission procedures for those present.

#### 5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A. Withdrawals - None
- B. Continuances without a hearing - None
- C. Exceptions (requests for agenda items to be taken out of order) - None

#### 6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

None.

#### 7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

7.A. Planning Commission Minutes of January 30, 2013

7.B. Planning Commission Budget for FY13-14

The Consent Calendar was approved unanimously (6-0-1-0, Costa absent).

\*\*\*\*\*END OF CONSENT CALENDAR\*\*\*\*\*

#### 8. PUBLIC HEARING ITEMS

<b>8.A. File No(s):</b> <b>Address:</b>  <b>Applicant:</b> <b>Owner:</b> <b>Request:</b>   <b>CEQA Determination:</b> <b>Project Planner:</b> <b>Staff Recommendation:</b>	<b>PLN2010-08245</b> 1091 Fremont Street a 0.36 acre (15,958 square foot) parcel located at the northeast corner of Main Street and Fremont Street; APN: 269-15-024 Sal Caruso Patricia Machado <b>Rezone</b> from R1-6L (Single-Family) to PD (Planned Development) to facilitate the expansion and conversion of an existing 1,099 square foot detached accessory structure into an additional dwelling unit ( <i>Referred by City Council to Planning Commission for redesign and other considerations on 2/28/2012</i> ) Categorically Exempt per CEQA Section 15303 Payal Bhagat, Assistant Planner II <b>Recommend Denial to the City Council</b>
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**Notice:** The notice of public hearing for Item 8.A. was posted within 300 feet of the site and mailed to property owners within 300 feet.

**Discussion:** Gloria Sciara gave a brief presentation on the project.

The Commission discussed the project and clarified the City Council's intent for remanding the project back to Planning Commission was primarily to work with the adjacent property owners to address their concerns regarding gathering space, privacy screening, and relocating the entry to the accessory unit. It was noted that while these were the concerns of the Council, the project is coming back to the Commission for a recommendation on the entire project, not exclusively the Council's concerns.

The Commission discussed with staff that the Planned Development (PD) rezoning eliminates certain requirements required under the current zoning, such as setbacks and parking, and permits two units rather than just the main house on the lot without a lot subdivision. The Commission clarified that staff is still recommending denial of the project.

Sal Caruso, representative for the applicant, highlighted the revisions to the original project proposal, including privacy screening, fence and landscape screening, and window shape. Mr. Caruso stated that the City Council did not want the whole project revisited, but rather, the intent was primarily to address the concerns of the neighbor, specifically privacy. Mr. Caruso confirmed that he met with the neighbor and the concerns have been addressed through the latest revised plan set. Mr. Caruso added the zero lot line setbacks currently exist in the City and that this proposal does not set a precedent. Mr. Caruso also noted that the proposal is an adaptive reuse of a historic structure, and that the existing loft has been used as residence since the 1930's.

The Commission discussed the proposal and agreed that while the lot size is large enough to support an accessory unit, the placement of the historic garage combined with the placement of the pool and original house create difficulty placing an accessory unit on the project site. The Commission expressed concern about the proposal's layout and the implications it has on the existing and future neighboring property owners. It was also noted that project should ideally have two covered parking spaces, however, staff's recommendation was to remove the covered parking because it detracted from the historic structure.

The Commission confirmed that the garage is being restored to be used as a garage and that all code violations are being addressed through the most recent revised proposal.

The Public Hearing was opened and closed with no comments received.

The Commission asked for confirmation that all of the neighbor's concerns have been addressed to which the applicant stated the neighbor had not directly expressed approval of the proposal but that he had spoken with the neighbor and the concerns seem to have been addressed.

The Commission discussed the design of the main house and the accessory unit and it was explained that there needs to be differentiation between the design features of the historic and non-historic elements of the property. It was also clarified that the surrounding properties have a mix of residential and neighborhood commercial zoning and that the rezoning proposal for the project site would lock in an entitlement for two units that would be subject to the building permit process, including building and fire code compliance, outside of this rezoning process. Changes would only be able to be made through a PD amendment process.

The Commission again discussed concern for the lack of covered parking and the previously expressed opposition to the project from the neighbor.

A motion to recommend approval of the rezoning was discussed. The Commission expressed difficulty making the findings for the PD rezoning, had concerns about opposition previously expressed by the neighbor of the project site, and discussed the architectural design of the accessory unit and the applicable Secretary of Interior's standards for historic properties.

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council approve the rezone from R1-6L (Single-Family) to PD (Planned Development) for the project located at 1091 Fremont Street (4-2-1-0, Champeny and Ikezi dissenting, Costa absent) with the following added condition:

1) That the plans clearly show three parking spaces for the project site and that the spaces be available and used for that purpose.

<b>8.B. File No.(s):</b>	<b>PLN2012-09203/CEQ2012-01148</b>
Address/APN:	2805 and 2807 Mission College Boulevard, two parcels totaling 6.5 acres; APNs: 104-16-118, 119
Applicant:	Matt Tyndall, Quality Investment Properties Santa Clara LLC
Owner:	Mission West Valley Community College District
Request:	<b>Rezone</b> from Planned Development (PD/ML) to Planned Development (PD) to allow free standing data center use in addition to other permitted uses under the current PD permit
CEQA Determination:	Mitigated Negative Declaration
Project Planner:	Payal Bhagat, Assistant Planner II
<b>Staff Recommendation:</b>	<b>Recommend City Council Approval, subject to conditions</b>

**Notice:** The notice of public hearing for Item 8.B. was posted within 300 feet of the site and mailed to property owners within 300 feet.

**Discussion:** Steve Lynch gave a brief presentation on the project.

The Commission discussed the potential reversion of the project site from data center use back to office use and the resulting parking requirements. Concern was expressed with regard to implementing current parking standards on unknown circumstances the future may bring at such time of reversion of the project site use to office space.

Paul Oberle, representative for applicant, presented the project, detailing the application and needs for the data center.

The Commission confirmed that the project site currently uses 15 percent of the space as data center and the remaining 85 percent of space is empty shell. It was also clarified that the primary expansion is planned for the 2805 building and no expansion is currently planned for the 2807 building as it was recently modernized and meets the needs of the applicant.

The Commission inquired about existing lease agreements for the office space and the applicant confirmed that there is a minimal amount of existing office leases.

The Commission discussed the emergency generators on site and confirmed the availability of electricity available from Silicon Valley Power and the corresponding maximum load capacities.

Jolie Houston, representative for applicant, clarified that conditions 22 and 23 address parking concerns previously mentioned.

The Public Hearing was opened and closed with no comments received.

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council adopt the Mitigated Negative Declaration for the project located at 2805 and 2807 Mission College Boulevard (6-0-1-0, Costa absent).

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council approving the rezone from Planned Development (PD/ML) to Planned Development (PD) for the project located at 2805 and 2807 Mission College Boulevard (6-0-1-0, Costa absent).

## 9. OTHER BUSINESS

### 9.A. Commission Procedures and Staff Communications

#### i. Announcements/Other Items

- a. Appointment of Planning Commission Secretary  
The Commission appointed Joe Sweeney to the role of Secretary.
- b. Appointment of Commissioner to General Plan sub-Committee  
The Commission appointed Yuki Ikezi to the General Plan sub-Committee.

#### ii. Report of the Director of Planning and Inspection

- City Council Action

#### iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Costa
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioner Champeny (one vacancy)

#### iv. Commission Activities

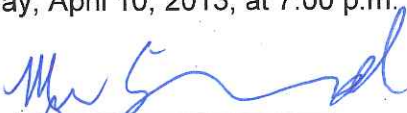
- Commissioner Travel and Training Reports
  - Planning Commissioners Academy in Pasadena  
Commissioners Chahal, Ikezi, Kelly, and Sweeney reported back on their experience at the League of California Cities Planning Commissioner's Academy.

#### v. Upcoming agenda items

## 10. ADJOURNMENT

The meeting adjourned at 9:27 p.m. The next regular Planning Commission meeting will be held on Wednesday, April 10, 2013, at 7:00 p.m.

Prepared by:

  
Megan Zimmershead  
Office Specialist IV

Approved:

  
Kevin L. Riley  
Director of Planning & Inspection

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